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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,966	10/16/2003	Kentaro Toyama	MCS-044-03 (301914.02)	8085

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EXAMINER

LEWIS, CHERYL RENE

ART UNIT PAPER NUMBER

2167

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/686,966	TOYAMA ET AL.	
	Examiner	Art Unit	
	Cheryl Lewis	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/1/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 are presented for examination.
2. Applicants have amended claims 1 and 14.
3. Applicant's arguments with respect to claims 1-26 have been considered but are deemed to be moot in view of the new grounds of rejection.

INFORMATION DISCLOSURE STATEMENT

4. The information disclosure statements filed on May 1, 2006, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

Remarks

5. Claim 26 has been miss-numbered. Claim 26 should be renumbered as claim 25. Therefore, there are actually 25 total claims (claims 1-25) presented in this instant application.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 14 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As follows:

Claim 14 is directed to media dots on a grid representing a geographical location in a database, the media dots indicate how many media are associated with a grid location on a map. Claim 22 is directed to a reflective feature that shows how query constraints and query results are related through an input device interaction. The claimed inventions, as a whole must accomplish a **practical application**. That is, it must produce a **“useful, concrete and tangible result.”** *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106. In each of these cases the **result** is “aligning media dots on a grid” (claim 14) and “a reflective feature shows how query constraints and query results are related” (claim 22). The claim limitations for “aligning media dots on a grid” and “a reflective feature to show how query constraints and query results are related” are an abstraction as they are not **useful**, concrete, and tangible. They are not presented in such a way to provide some result that is of utility and that may exist in the specification. However, no specific use is provided for in the claimed invention. Thus the claims are non-statutory and stand rejected under § 101 as not producing a **“useful, concrete and tangible result.”**

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

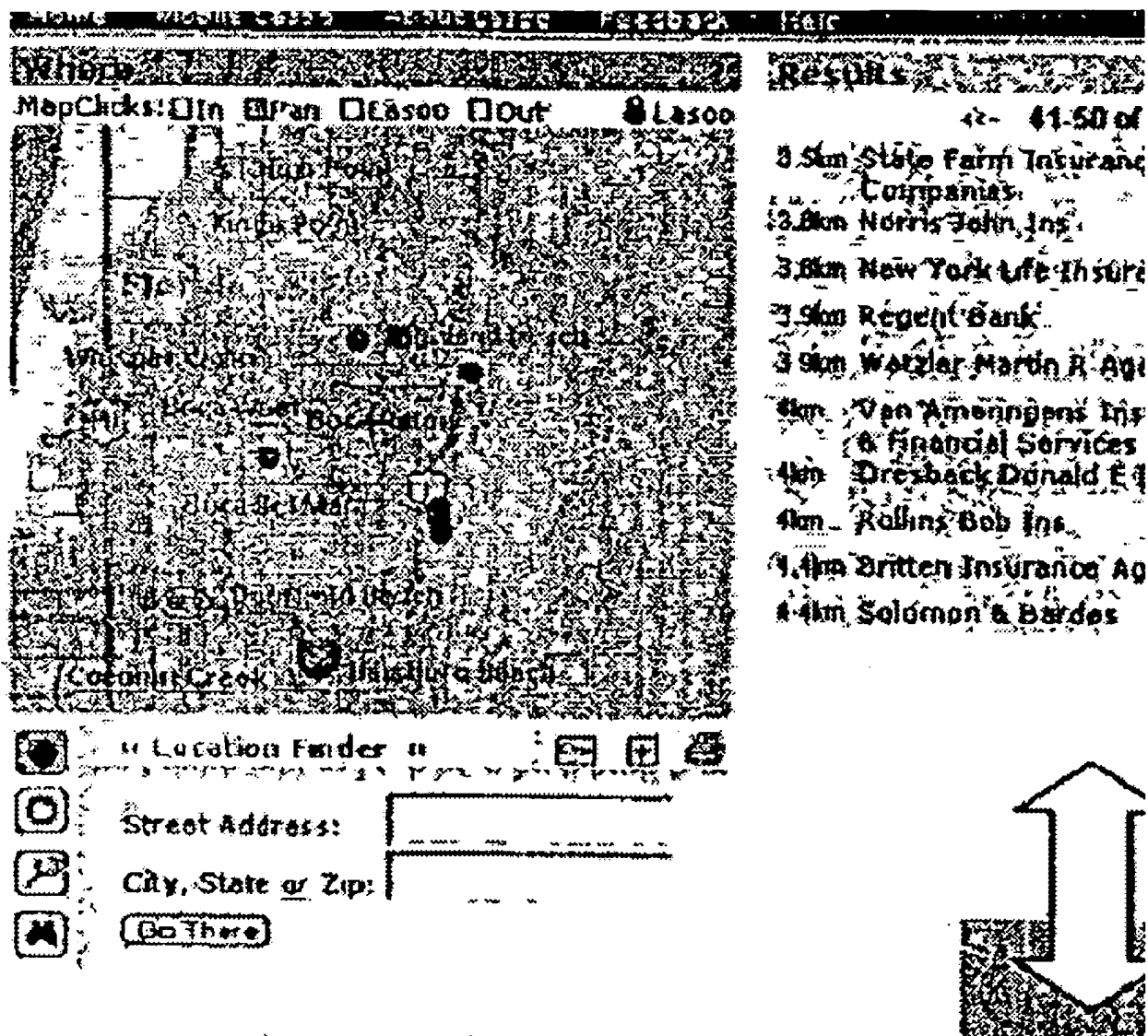
9. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Leishman et al. (Publication No.: 2004/0073538 A1, filed October 9, 2002, hereinafter Leishman).
10. Regarding Claim 1, 14, Leishman teaches an information retrieval system and method employing spatially selective features.

The method and associated system for an information retrieval system and method employing spatially selective features as taught or suggested by Leishman includes:

interchangeable panels (figure 3, MapClicks – In, Lasoo, Out, etc., paragraph 0038-0039) that are used for determining query constraints (figure.3, 'Key Word and Category Searching – type in a key word, paragraphs 0029-0032 – SEARCH INTERFACE) and viewing query results (paragraphs 0032-0040, '...category to a local search results page for the desired location and category/reference by means of an IDLCM result link displayed to the user within the search engine's result list.', paragraphs 0062-0068) of a database (paragraph 0036, 'Internet Database Link Control Module', paragraph) of media that is tagged (figure 5, illustrated in the image and icons presented below, paragraph 0067-0068, thumb-nail map, paragraph 0056, '...scanned images with geo-spatial positioning controls...') with geographic location information

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(paragraphs 0054-0057, 'The page pop-up includes a street-level location map showing the precise location of the record, address and contact information...');



and media dots that are aligned with a grid that encompasses the geographic location information of the media in the database (paragraphs 0054 and 0063-0068), wherein media dots indicate how many media are associated with a grid location on the map (paragraphs 0038-0039, 0045, 0054, and 0063-0068).

11. Regarding Claim 2, Leishman teaches a reflective user interface that shows how query constraints and query results are related through cursor interaction ('RESULTS TABLE INTERFACE', paragraphs 0062-0068).
12. Regarding Claim 3, Leishman teaches the interchangeable panels comprise one or more constraint panels (figure 3, MapClicks – In, Lasoo, Out, etc., paragraph 0038-0039) and one or more display panels (paragraphs 0054-0059).
13. Regarding Claim 4, Leishman teaches the constraint panels allow a user to define the constraints of a database query (paragraphs 0029-0032).
14. Regarding Claim 5, Leishman teaches the constraint panels allow a user to define database search constraints to include keyword related to a database item (paragraph 0069).
15. Regarding Claim 6, Leishman teaches display panels show the results a database query that is jointly specified by one or more constraint panels (paragraphs 0053-0058).
16. Regarding Claim 7, Leishman teaches a float mode can be invoked that allows a user to navigate a constraint panel without eliciting a database query (paragraph 0058).
17. Regarding Claim 8, Leishman teaches a display panel can be one of a list panel that show the results of a database query as a list of small thumbnails (figure 5, illustrated in the image and icons presented below, paragraph 0067-0068, thumb-nail map, paragraph 0056, '... scanned images with geo-spatial positioning controls...').
18. Regarding Claim 9, Leishman teaches a primary window for displaying one or more interchangeable panels (paragraph 0057).

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19. Regarding Claim 10, Leishman teaches the limitations of this claim has been noted in the rejection of claim 9 presented above. It is therefore rejected as set forth above.

20. Regarding Claims 11-13, the limitations of this claim has been noted in the rejections of claims 1, 2, 4, 6, and 7 presented above. They are therefore rejected as set forth above.

21. Regarding Claim 15, Leishman teaches each media dot is a scale-adaptive two dimensional histogram (paragraph 0056-0058).

22. Regarding Claim 16, Leishman teaches each map is gridded with a regular grid where cell size is greater than a single pixel on a display (paragraphs 0062-0065).

23. Regarding Claim 17, Leishman teaches the cell size 10 pixels (paragraphs 0062-0065).

24. Regarding Claim 19-21, the limitations of this claim has been noted in the rejections of claims 1, 2, 4, 6, and 7 presented above. They are therefore rejected as set forth above.

25. Regarding Claim 22, Leishman teaches a reflective feature (paragraphs 0062-0071, RESULTS INTERFACE TABLE) that shows how query constraints and query results are related through computer input device interaction (paragraph 0040 and paragraphs 0062-0071, RESULTS INTERFACE TABLE).

26. Regarding Claim 23, the limitations of this claim has been noted in the rejection of claims 9 and 22 presented above. They are therefore rejected as set forth above.

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27. Regarding Claims 24 and 26, the limitations of this claim has been noted in the rejections of claims 1 and 22 presented above. It is therefore rejected as set forth above.

NAME OF CONTACT

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

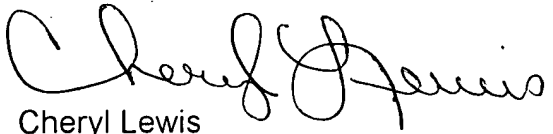
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Cheryl Lewis". The signature is fluid and cursive, with the first name "Cheryl" and last name "Lewis" clearly distinguishable.

Cheryl Lewis
Patent Examiner
September 12, 2006